SUBJECT: Request to increase FTE in Remedial Measures Budget of Alcohol, Drug & Gambling Services BOH07045 (City Wide)

RECOMMENDATION:

(a) That the Board of Health approve the addition of 0.6 FTE to the complement for the Back on Track Program

(b) That the Board of Health approve the hiring of the current contractee providing this program through a consulting contract.

EXECUTIVE SUMMARY:

Alcohol, Drug & Gambling Services (ADGS), provides comprehensive assessments, outpatient counselling, referrals for treatment, and community outreach for individuals with substance abuse and/or gambling problems. ADGS receives approximately $64,000 per year from the Ministry of Transportation on a cost-recovery basis for the Remedial Measures (Back on Track) Program. Prior to 2000, ADAGS employed the individual providing services under the Back on Track program directly. As a consequence of the need to reduce staffing complement, this same individual was asked to provide the service on a consulting contract in 2000 and has continued to do so through to 2007. When this contract was initially established eight years ago, the consensus of Legal Services, Risk Management, Finance & Administration, and Human
SUBJECT: Request to increase FTE in Remedial Measures Budget of Alcohol, Drug & Gambling Services BOH07045 (City Wide) - Page 2 of 4

Resources was that this was compliant with purchasing and employment policies. However this consulting contract is no longer compliant with current purchasing procedures.

As a result of the current concerns identified by Finance and Administration, the Purchasing and Human Resources Departments were consulted and the recommendation is to bring the individual who provides the service back on as a City Of Hamilton employee. Adoption of this recommendation will satisfy the City’s purchasing policies and comply with employment legislation.

BACKGROUND:

The Highway Traffic Act requires that individuals convicted of a drinking and driving offence that take place on or after September 30, 1998 complete Back on Track, Ontario’s Remedial Measures Program, before their drivers' licences can be reinstated. ADGS receives approximately $64,000 per year from the Ministry of Transportation on a cost-recovery basis from the Remedial Measures (Back on Track) Program. Participants must pay a fee of $475 (plus GST) to the Ministry of Transportation to cover the costs of the program.

The Back on Track program has three components:

Assessment interview: Based on the results, participants will be referred to either the education or the treatment program.

Education Program (8 hours in length) - helps participants learn about:
- How alcohol and other drugs affect driving performance and safety
- The legal and personal consequences of an impaired driving conviction
- Ways to avoid to drinking and driving.

Treatment Program (16 hours in length) - helps participants to:
- Learn about, and take responsibility for, their alcohol and drug use and its consequences
- Commit to reducing or stopping problem use of alcohol and drugs
- Plan to avoid relapses and make healthier choices
- Avoid drinking and driving.

Follow-up Interview – completed six months after finishing the education or treatment program to:
- Assesses client’s success in meeting their goals
- Reinforces the strategies for avoiding drinking and driving developed during the program.

ANALYSIS/RATIONALE:

A review of the contract by the Human Resources Department concluded that the relationship between the consultant and Public Health Services has become, over time,
more akin to an employment relationship rather than a consulting relationship. Revenue
Canada requires that the City pay certain taxes and premiums when an employee-
employer relationship exists with any individual. Upon adoption of the recommendation
by the Board, the method for delivering this service will be in compliance with City
purchasing policies and with employment legislation.

**ALTERNATIVES FOR CONSIDERATION:**

Purchasing and the Human Resources Department have been consulted and two
options were identified:

1. Continue to provide the services through a contract, obtain three quotes and
   award the contract to the lowest bidder; or
2. Hire the individual who provides the service as a City Of Hamilton employee

Although Option #1 would comply with purchasing policies, it is unclear whether the City
would comply with employment legislation given the nature of the service.

Option #2 is considered the preferred solution. The individual would be hired part time
with flexible hours to accommodate the needs of the Remedial Measures Program. The
individual who will fill the position has provided the service for a long period of time.
PHS is satisfied with the individual’s performance and the relationship with the individual
is already akin to an employment relationship. Further, Option #2 will allow the service
to continue to be delivered seamlessly, effectively, and without delay.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Adoption of this recommendation does not affect the overall budget for the Remedial
Measures Program.

Adoption of this recommendation will increase the PHS’ complement by 0.6 FTE. The
staff member has agreed to be hired back with flexible hours (wage) for approximately
21 hours per week. She is willing to work the hours necessary to meet the referral
requests for the Back on Track programs. Human Resources have agreed that she will
be reinstated as of her original hiring date and will be treated as uninterrupted service
for non-union vacation entitlement.

Adoption of this recommendation will satisfy the City’s purchasing policies and comply
with employment legislation. The individual has agreed to provide the service via an
employment relationship. The current consulting contract will be terminated effective
POLICIES AFFECTING PROPOSAL:

1. Purchasing Policies:
   This year Purchasing reviewed the process for payment and deemed it non-compliant based on current City policy for contracts (i.e. it exceeds $5,000 annually and does not meet the criteria for Form 10 & 11).

2. Human Resources Policies:
   There are no collective agreement implications since this is a non-union position. The proposal conforms to all other Human Resources Policies.

RELEVANT CONSULTATION:

Finance and Administration, Purchasing, and the Human Resources Department were consulted through the phases of identifying the issue, assessing the various options available to the City, and identifying the best option.

CITY STRATEGIC COMMITMENT:

Community Well-Being is enhanced. □ Yes ☑ No

Environmental Well-Being is enhanced. □ Yes ☑ No

Economic Well-Being is enhanced. □ Yes ☑ No

Does the option you are recommending create value across all three bottom lines? □ Yes ☑ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☑ Yes □ No

The creation of a respectful, desirable and supportive workplace.